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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,810

01/18/2002

Peter J. Mikan

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SHELTON, CT 06484-5536

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/051,810

**Applicant(s)**

MIKAN, PETER J.

**Examiner**

Shaima Q. Aminzay

**Art Unit**

2684

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 6 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/30/2004 have been fully considered but they are not persuasive.
2. Both applicant's application and the cited reference include mouse and a keypad. Since Goodman's Keyboard is connected to the PC via port, and since this keypad also include mouse functions, then, the port connected to the PC could also simply be called mouse port because, it transmits the functions of a mouse to the PC.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goodman et al. U. S. Patent: 6,100,875; hereinafter '875.

In regard to claims 1, 4, and 6, see specially Figure 1a, accompanying description in column 1, lines 10-12, 65-68, discuss means for emulating mouse function using a keypad and connection with a computer; column 3, lines 10-18, 48-68, discuss means for emulating arrow keys particularly, and column 4, lines

29-36 discuss means emulating mouse buttons particularly in regard to limitation "a)", see column 8, lines 28-68 discusses connection to mouse-port of computer. In regard to claim 5, see column 2, lines 10-18.

***Claim Rejections – 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, and 7-10 are rejected under 35 U.S.C.103(a) as being unpatentable over Goodman et al. U. S. Patent: 6100875 (hereinafter '875) as applied to claim 1, 4-6 above, and in view of Selig et al. U. S. Patent: 6,492,978 B1. (hereinafter '978).
7. Regarding claim 2, 3, 9, and 7, Goodman ('875) teaches the claim elements discussed in claim 1 above and, further teaches that the four arrow keys emulate the right, left, up and down cursor movements (see column 3, lines 45- 60) and keys 120 and 122 (see Figure 1a, column 4, lines 29-36) emulates the left and right mouse buttons but, does not teach or disclose backlit keys or waterproof translucent silicone rubber keys on his keypad.
- However, Selig et al teaches a keypad having, silicon rubber keys (inherently waterproof) which are disclosed as being translucent for transmitting light there

through (see column 4, lines 46-50; column 5, lines 63-68; column 6, lines 5-8 and 41-46).

It would have been obvious to one of ordinary skill in the art to modify the keys of Goodman to be silicone rubber and translucent for transmitting light as taught by Selig and discussed above. It would have been obvious to one of ordinary skill in the art to back light the keys of the Goodman with Selig ('978) translucent keys in order to improve visual identification of the keys (see for example, column 6, lines 45-48)

8. Claim 8 rejection, Goodman teaches that the four arrow keys emulate the right, left, up and down cursor movements (see column 3, lines 45- 60) and keys 120 and 122 (see Figure 1a, column 4, lines 29-36) emulates the left and right mouse buttons, and in regard to claim limitation of "four" or "two" backlit keys, applicant should note that as Selig's ('978) teaching discussed in claims 2 and 7 above and further that each display key may viewed dark or light as desired (see column 6, lines 48-53).
9. In regard to claim 10, Goodman discloses that "in order to receive and process the mouse data correctly the host computer 302 is advantageously equipped with mouse driver software (for example see, column 7, lines 55-65), and further he discuss the mouse driver program to control the "cursor rate" (for example see, column 2, lines 29-37; column 15, lines 20-25), the "power on reset" is a standard well known function that any device with a microprocessor would power the system on a reset.

***Conclusion***


1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquiry***


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Shaima Q. Aminzay  
(Examiner)

July, 25, 2004

  
**NICK CORSARO**  
**PATENT EXAMINER**

  
Nay Maung  
(SPE)  
Art Unit 2684